

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1 and 4-22 are pending in this application. New claims 18-22 have been added for embodiments of the inventions. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME

Claims 1 and 4-11 were rejected as allegedly being anticipated by Kono et al. (JP 2004-026543 -“Kono”). The applicants request reconsideration of this rejection for the following reasons in light of the claims as amended.

The applicants have added the phrase ---each of--- in claim to further clarify that for the applicants' dielectric particle aggregate: (1) each of the particles is a dielectric particle of BaO-TiO₂-Nd₂O₃ type dielectric or SrTiO₃ type dielectric; (2) each of the particles has a surface layer; and (3) each of the particles contains ZnTiO₃ and/or Zn₂TiO₄ in the surface layer thereof.

Kono's mixture of ZnTiO₃/Zn₂TiO₄ and BaO-TiO₂-Nd₂O₃ for wet blending is not the same as the applicants' claimed dielectric particle aggregate because the mixture of ZnTiO₃/Zn₂TiO₄ does not create particles wherein each particle is a dielectric particle of BaO-TiO₂-Nd₂O₃ type dielectric or SrTiO₃ type dielectric.

Wet blending and layering are terms of the art which have discrete meaning and the wet blending process does not produce the layers for each of the particles in the applicants claimed invention. A painting analogy may assist in illustrating this point. A wet blend of yellow and blue paint would produce a greenish homogenous blend of paints. In contrast, layering requires painting a first coat of paint followed by an overlay of a second coat which covers the first coat of paint after drying, i.e. it is not a homogenous mixture of the two paints. As such, one of

ordinary skill in the art would recognize that Kono's wet blend does not produce the claimed dielectric particles with $ZnTiO_3$ and/or Zn_2TiO_4 in the surface layer thereof.

With regard to process claims 7-10, the above arguments also apply and it is further noted that claim 7 requires a step of mixing ZnO which is not taught by Kono.

Therefore, the applicants' claims are not anticipated by Kono because all of the claim elements have not been disclosed.

III. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME

Claim 12 was rejected as allegedly being obvious by Kameyama et al. (JP 08-239262 - "Kameyama"). The applicants request reconsideration of this rejection for the following reasons.

As noted in the Office Action, Kameyama refers to a dielectric ceramic composition comprising $BaO\text{-}TiO_2\text{-}Nd_2O_3$ as a main component and a glass component comprising 45-70% wt.% of ZnO , 5-13% wt.% of B_2O_3 by 5 to 13 wt%, SiO_2 by 7 to 40 wt% and Al_2O_3 by 8 to 20 wt%. However, claim 12 is dependent upon claim 11 which in turn requires the particles of claim 1 as a component of the composition. As such, Kameyama still does not teach the component of claim 1 and as such does not render the applicants' claimed composition to be obvious.

(Kono was mentioned in the text of the rejection, but was not cited in the header of the rejection. In any event, the arguments with regard to Kono for claims 1 and 4-11 can be incorporated by reference here, if necessary)

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: /Howard C. Lee/
Ronald R. Santucci Howard C. Lee
Reg. No. 28,988 Reg. No. 48,104
Telephone: (212) 588-0800
Facsimile: (212) 588-0500